

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

**IN THE MATTER OF:**

**James Hogan d/b/a Hogan Brothers**  
Facility ID #62710  
Section 18, Castle Grove Township  
Jones County, Iowa

**ADMINISTRATIVE CONSENT ORDER  
NO. 2007-AFO-15**

**TO: James Hogan**  
**24708 220<sup>th</sup> Street**  
**Monticello, Iowa 52310**

**VIOLATION:** 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c". You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by April 1, 2007. You were sent notices of the requirements on December 11, 2006 and February 8, 2007. Department Field Office 1 received an incomplete submittal of your MMP on February 20, 2007. You were sent a notice regarding the incompleteness of your MMP on March 7, 2007. On April 13, 2007, a notice of referral was sent to you. You have since submitted your MMP to the DNR.

**ORDER:** A penalty of \$2,500.00 shall be paid in accordance with the payment schedule in Attachment A. The penalty payments shall be paid to the Department at the address listed below. \$250.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$1,250.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,000.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent three notices of the requirement by the Department.

**AUTHORITY:** Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c".

**APPEAL:** This Order is entered into knowingly by and with the consent of Mr. Hogan. For that reason, Mr. Hogan waives the right to appeal this Order or any part thereof.

**NONCOMPLIANCE:** If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.

  
James Hogan d/b/a Hogan Brothers

  
Richard A. Leopold, DIRECTOR

IOWA DEPARTMENT OF NATURAL RESOURCES  
502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319

VIII. C.1; EPA, Kelli Book, Ken Hessenius, Field Office 1

Dated this 31 day of  
May, 2007

Dated this 11 day of  
June, 2007

**RECEIVED**

**JUN 04 2007**

**"Attachment A"**

**Payment Plan for James Hogan d/b/a Hogan Brothers**

The penalty of \$2,500.00 shall be paid in accordance with the following payment schedule:

\$108.00 due June 1, 2007;	\$104.00 due June 1, 2008;
\$104.00 due July 1, 2007;	\$104.00 due July 1, 2008;
\$104.00 due August 1, 2007;	\$104.00 due August 1, 2008;
\$104.00 due September 1, 2007;	\$104.00 due September 1, 2008;
\$104.00 due October 1, 2007;	\$104.00 due October 1, 2008;
\$104.00 due November 1, 2007;	\$104.00 due November 1, 2008;
\$104.00 due December 1, 2007;	\$104.00 due December 1, 2008;
\$104.00 due January 1, 2008;	\$104.00 due January 1, 2009;
\$104.00 due February 1, 2008;	\$104.00 due February 1, 2009;
\$104.00 due March 1, 2008;	\$104.00 due March 1, 2009;
\$104.00 due April 1, 2008;	\$104.00 due April 1, 2009; and
\$104.00 due May 1, 2008;	\$104.00 due May 1, 2009.

If any of the said payments are not received on schedule, the remaining penalty shall be due immediately.